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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

Arizona Corporation Commission

DOCKET NO. S-03557A-04-0000

DOCKETED

LONZO ARCHER
1512 Plymouth Road
N. Brunswick, NJ 08902
CRD No. 1979672

AUG 10 2004

DOCKETED BY

CR

Respondents.

SECOND
PROCEDURAL ORDER

BY THE COMMISSION:

On May 7, 2004, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Lonzo Archer ("Respondent") in which the Division alleged that Respondent's securities license had been revoked by the Securities Division of the Department of Financial Institutions of the State of Washington ("Washington Division") on January 27, 2004 for selling unsuitable investments to an elderly couple. The Final Order of the Washington Division was not appealed. The Division alleges that Respondent's actions and license revocation by the State of Washington constitute violations of the Arizona Securities Act ("Act") and are grounds to suspend or revoke his securities license registration in Arizona.

Respondent was duly served with copies of the Notice.

On June 10, 2004, Respondent, through New York counsel, Michael Kalmus, filed a request for hearing and notice of appearance. Respondent's counsel did not submit evidence of admission Pro Hac Vice ("PHV") in compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that he had paid the required filing fees.

On June 11, 2004, by Procedural Order, it was ordered that Respondent's request filed in response to the Notice should be held in abeyance for 60 days pending Respondent's counsel filing a Motion and Consent for Admission Pro Hac Vice ("Motion PHV") with the Commission which

1 establishes compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that the
2 required filing fees have been paid in a timely fashion or Respondent would be in default.

3 On August 9, 2004, Respondent's New York counsel filed a Motion Pro Hac Vice through
4 local counsel that he had complied in a timely manner with Rule 33 of the Rules of the Arizona
5 Supreme Court.

6 Accordingly, New York counsel for Respondent should be approved to represent Respondent
7 Pro Hac Vice in this proceeding and a pre-hearing conference should be scheduled.

8 IT IS THEREFORE ORDERED that New York counsel, Mr. Michael Kalmus, shall be
9 permitted to represent Respondent, Mr. Lonzo Archer, Pro Hac Vice in this proceeding.


10 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
11 Rules of the Arizona Supreme Court with respect to practice of law and admission pro hac vice.

12 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
13 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
14 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
15 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
16 matter is scheduled for discussion, unless counsel has previously been granted permission to
17 withdraw by the Administrative Law Judge or the Commission.

18 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on September 8,
19 2004, at 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

20 IT IS FURTHER ORDERED that, in the event Respondent's counsel wishes to appear
21 telephonically, he shall contact the Hearing Division by telephone at (602) 542-4250 at least seven
22 days prior to the scheduled proceeding for instructions to appear telephonically.

23 Dated this 10th day of August, 2004

24
25
26 
27 MARC E. STERN
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing were mailed/delivered
this 10 day of August, 2004 to:


2 Michael Kalmus
3 850 Third Avenue, 14th Floor
4 New York, NY 10022
Attorney for Respondent

5 Anthony B. Bingham
6 1423 South Higley Road
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Mesa, AZ 85206

7 Matt Neubert, Director
8 Securities Division
9 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

10 ARIZONA REPORTING SERVICE
11 2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

12 By:


13 Molly Johnson
14 Secretary to Marc E. Stern